

REMARKS

Applicants reply to the final Office Action dated February 9, 2010 within two months. The Examiner rejects all pending claims 1-2, 4, and 6-22. Applicants cancel claims 6-9, 19, and 21 without prejudice to filing one or more claims having similar subject matter in other applications. Applicants also add new claims 23-28. Support for the amendments and new claims may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments and new claims. Applicants assert that the application is in condition for allowance and reconsideration of the pending claims is requested.

Rejections Under 35 U.S.C. § 103(a)

The Examiner rejects 1-2, 4, and 6-21 under 35 U.S.C. § 103(a) as being unpatentable over Brizendine (U.S. Patent No. 6,484,147) in view of Scroggie (U.S. Patent No. 5,970,469). Applicants respectfully disagree with the Examiner's rejections; however, Applicants submit the amendments and new claims, without prejudice or disclaimer, to further clarify the patentable aspects and to expedite prosecution.

Brizendine discloses an educational rewards system where loyalty points are allocated between an account associated with a purchaser and an account associated with an educational institution. The system distributes the loyalty points between the two loyalty accounts at the time a purchase is completed. **In other words, Brizendine does not disclose or contemplate transferring loyalty points after the points have been earned and credited to a user's account.** Moreover, Brizendine does not disclose or contemplate the ability to earn, redeem, or transfer loyalty points based on geographic region.

Scroggie discloses a system for providing community based incentive program that provides electronic discounts and offers to consumers. Scroggie discloses that eligibility for participation in the incentive program and delivery of the particular discounts or offers, are based on the consumer's zip code. Applicants note that zip code is very limiting in the context of the presently claimed invention. In particular, zip codes do not provide sufficient flexibility for the loyalty point user. For example, when earning or redeeming points with participating or affiliated merchants, such merchants may be located in different zip codes. In contrast, the claimed invention contemplates merchants within the same region, but such region may include different zip codes (e.g., regions

comprising different cities, states, countries, and the like). **Further, Scroggie does not disclose or contemplate transferring rewards after the rewards have been earned.**

As such, Applicants assert that the cited references alone or in combination do not disclose or contemplate at least, **“receiving, by said computer based system, a transfer request to transfer a first amount of geographic area loyalty points from a first loyalty account to a second loyalty account, wherein said first loyalty account is associated with a first geographic area and said second loyalty account is associated with a second geographic area” or “determining, by said computer based system, an amount of second geographic area loyalty points, based on a set of predetermined rules associated with at least one of said first loyalty account and said second loyalty account”** (emphasis added) as similarly recited in independent claims 1, 27, and 28.

Moreover, Applicants traverse the official notice taken by the Examiner on pages 3-5 of the Office action because “the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known.” MPEP 2144.03. Applicants therefore respectfully request that “the examiner provide documentary evidence in the next Office action if the rejection is to be maintained.” Id.

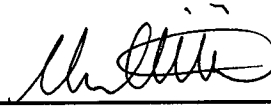
Furthermore, claims 2, 4, 10-18, 20, and 22-26 variously depend from independent claim 1. As such, Applicants assert that claims 2, 4, 10-18, 20, and 22-26 are differentiated from the cited references for the same reasons as set forth above, in addition to their own novel features. Thus, Applicants respectfully request allowance of all pending claims.

When a phrase similar to “at least one of A, B, or C” or “at least one of A, B, and C” is used in the claims or the specification, Applicants intend the phrase to mean any of the following: (1) at least one of A; (2) at least one of B; (3) at least one of C; (4) at least one of A and at least one of B; (5) at least one of B and at least one of C; (6) at least one of A and at least one of C; or (7) at least one of A, at least one of B, and at least one of C.

Applicants respectfully submit that the pending claims are in condition for allowance. The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **19-2814**. If an extension of time is necessary, please accept this as a petition therefore. Applicants invite the Office to telephone the undersigned if the Examiner has any questions regarding this Reply or the present application in general.

Respectfully submitted,

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